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PREPARATIONS FOR THE SPECIAL SESSION OF THE GENERAL ASSEMBLY FOR THE PURPOSE OF AN OVERALL REVIEW AND APPRAISAL OF THE IMPLEMENTATION OF AGENDA 21

Implementation of the Convention on Biological Diversity

Note by the Secretary-General

The Secretary-General has the honour to transmit to the Commission on Sustainable Development, pursuant to General Assembly resolution 51/182, the report of the Executive Secretary of the Convention on Biological Diversity on experience gained under the Convention to date and on arrangements for the coordination of activities related to the objectives of the Convention. The report will also be made available to the General Assembly at its special session.

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Annex

IMPLEMENTATION OF THE CONVENTION ON BIOLOGICAL DIVERSITY:
A REPORT BY THE EXECUTIVE SECRETARY

1. This report has been prepared in response to General Assembly resolution 51/182, in which the Assembly invited the Executive Secretary of the Convention on Biological Diversity (CBD) to provide to the General Assembly at its special session in 1997, inter alia, information on experience gained under the CBD to date and information on effective arrangements for the coordination of activities related to the objectives of the CBD.

2. The key challenge facing the General Assembly at its special session is how to further implement sustainable development. Biological diversity underpins society in many important ways. More than 40 per cent of the world's economy and some 80 per cent of the needs of the world's poor rely upon biological diversity. Food security, climatic stability, freshwater security and the health needs of humans all directly depend upon maintaining and using the world's biological diversity. Manifestly sustainable development cannot be achieved without the sustainable use of biological diversity.

3. The principal objectives of the CBD are the conservation, sustainable use and equitable sharing of the benefits of the use of biological diversity. The CBD recognizes that the key to maintaining biological diversity depends upon using this diversity in a sustainable manner. The CBD is therefore not simply a conservation treaty: it assumes human use and benefit as the fundamental purpose for achieving its objects. Negotiated contemporaneously with Agenda 21, a central purpose of the CBD is to promote sustainable development. It is the first truly and for the moment the foremost sustainable development treaty. Furthermore, it is the only legally binding international instrument which is so fundamentally based on this concept. The CBD is therefore an important and effective instrument for the implementation of Agenda 21 and in turn has an important contribution to make to the General Assembly's efforts to implement sustainable development.

4. Given the broad range of ways in which society depends on biodiversity and the nature and scope of the CBD, it is not surprising that the legal principles developed under the CBD and implemented by its Parties also provide direct support for implementation of many areas covered in Agenda 21. Consequently, in providing the information called for in General Assembly resolution 51/182, it was considered necessary to stress the cross-cutting nature of issues addressed in the CBD. Although "conservation of biological diversity" is specifically addressed in chapter 15 of Agenda 21 and the support for the CBD was called for in that chapter, it was recognized by the Commission on Sustainable Development at its third session that conservation of biological diversity and sustainable use of its components interacted with other aspects of Agenda 21.[1] The Parties to the CBD have over the last five years also recognized that the principles of this instrument encompass and support a wide spectrum of issues addressed in Agenda 21. Consequently, the present report considers the relevant aspects and activities of the CBD with respect to each section of Agenda 21 in order to

demonstrate that further collaboration between the Commission and the CBD is essential for the achievement of sustainable development.

5. This report highlights the experiences gained to date, and the progress the CBD has made towards the implementation of the set objectives in the four sections of Agenda 21, as well as the effective arrangements for the coordination of activities related to the objectives of the CBD. The report focuses on the period 1992-1996. The following section contains a brief description of the evolution of the CBD. Section II presents the relevant aspects of the CBD in relation to activities envisaged in the chapters of Agenda 21 and demonstrates the cross-cutting nature of the CBD. The section is organized following Agenda 21. Information regarding the coordination efforts by the CBD is contained in section III. Section IV presents the conclusions of the report. The report does not address the contribution that the CBD has made to the implementation of chapter 15 of Agenda 21 on the conservation of biological diversity, as this is described in the task manager's report on that chapter (see E/CN.17/1997/2/Add.14).

I. EVOLUTION OF THE CONVENTION ON BIOLOGICAL DIVERSITY

6. The CBD, like the other Rio conventions, has by the standards of other international instruments developed with unprecedented speed. After being opened for signature at the United Nations Conference on Environment and Development, the CBD entered into force on 29 December 1993. As of 15 January 1997 there were 165 Parties with a further six States having signed the Convention. The speed with which the instrument has gained near universal support demonstrates the commitment of the international community to the objectives of the Convention.

7. The Parties have also moved to implement the Convention with similar speed and consequently the instrument has evolved rapidly. The organs of the CBD anticipated in the Convention itself have not only been established but are operational. They include a regular Conference of the Parties, which has met three times; a scientific advisory body, the Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA), which has met twice; a permanent secretariat with some 48 positions; a clearing-house mechanism for the exchange and dissemination of information; and a financial mechanism, operated on an interim basis by the Global Environment Facility. The Parties have also established an Ad Hoc Working Group of Experts on Biosafety to negotiate the first protocol to the CBD on biosafety. Furthermore, they have established programmes to develop the principles of the CBD and facilitate their implementation: on coastal and marine biodiversity; forest biodiversity; agricultural biodiversity; the biodiversity of inland waters; the rights of indigenous and local communities under the CBD; and the equitable sharing of the benefits of biodiversity. The next Conference of the Parties, in May 1998, will review the entire modus operandi of the CBD in the light of the experience gained to date.

II. CONTRIBUTIONS TO THE IMPLEMENTATION OF AGENDA 21

8. A consequence of this rapid evolution is that the Parties to the CBD have already started to implement its provisions at the national level and that the CBD has become a vehicle which has started to implement the concept of sustainable development and the policies of Agenda 21 in the field. This section of the report provides a brief summary of some of the more important activities which have been carried out under the CBD and the contribution that the Convention has made to the implementation of Agenda 21.

A. Section I of Agenda 21: Social and economic dimensions

9. Section I of Agenda 21 lays out cross-cutting issues whose solutions are urgently needed for the achievement of sustainable development. It recognizes the relationship between poverty and environmental degradation in developing countries, as well as the problem caused by unsustainable patterns of production and consumption, in particular, in the developed countries. The linkages between human health and environment is also a key element in sustainable development. Correspondingly, the Parties to the CBD have recognized that these issues are crucial to achieving the objectives of the Convention.

1. International cooperation to accelerate sustainable development (chapter 2 of Agenda 21)

10. As a sustainable development instrument, the CBD recognizes that the key to maintaining biological diversity depends upon using biological diversity in a sustainable manner and as such represents one of the few treaties which lays out clear norms on equity in line with chapter 2 of Agenda 21. The Bahamas Ministerial Declaration, adopted at the first meeting of the Conference of the Parties, held in December 1994, regarded the Convention as a treaty with a global vision based on common concern, mutual reliance and fair and equitable sharing of benefits. They considered the CBD as much more than just a set of rights and obligations: it was a global partnership with new approaches for conservation and development. As such, the Convention represents an important example of the new approach called for in chapter 2 of Agenda 21 and, more important provides a forum which is attempting to promote sustainable development and implement the policies of that chapter in a concrete manner.

11. As called for in programme area D of chapter 2 of Agenda 21, the Convention has started the process of identifying activities and processes which have a negative impact on biological diversity, such as misdirected economic incentives and cost-benefit imbalances. The Parties have also acknowledged that realization of the objectives of the CBD will not only be dependent upon addressing the negative impacts that trade may have on biological diversity, but will also depend on harnessing the positive impacts that trade has on biodiversity. For example, sustainable use of biological diversity can only properly occur if the terms of trade for products which are dependent upon biodiversity and whose use has an impact on biodiversity, is conducted in an environment and under conditions which ensure that the relevant externalities can be internalized. This means not only addressing the causes of biodiversity

loss, such as habitat conversion to support monocultural agricultural practices, but also encouraging uses which maintain biodiversity and which provide the necessary resources to stakeholders to allow them to properly maintain biodiversity. An example of this wider relevance is that at its most recent meeting, the Conference of the Parties adopted a detailed programme to address the management of agricultural biological diversity. The relevant decision[2] calls for action by the Parties not only to address the causes of loss of biodiversity, but also to consider the beneficial impacts that agriculture has on biodiversity. In the same decision, the Parties also recognized that ensuring conservation and sustainable use of agricultural biodiversity would not be possible without understanding the role of trade, and, recalling paragraph 39 (g) of the World Food Summit Plan of Action, the Parties encouraged the World Trade Organization through its Committee on Trade and Environment, in collaboration with other relevant organizations, to consider developing a better appreciation of the relationship between trade and agricultural biodiversity and, in this connection, recommended collaboration with the Convention on Biological Diversity and requested the Executive Secretary to convey the request to the World Trade Organization. Harnessing the positive potential of development and trade is also being developed in other key areas of the Convention, such as access to genetic resources; intellectual property rights; technology transfer; and social and economic incentives.

2. Combating poverty (chapter 3 of Agenda 21)

12. As a sustainable development treaty, the CBD recognizes that combating poverty is a key issue which needs to be addressed if the goals of the Convention are to be met. The preamble to the Convention and paragraph 4 of article 20 recognize that economic and social development and poverty eradication are the first and overriding priorities of developing countries. This acknowledgement is given concrete meaning through the incorporation of the legal principle of common but differentiated responsibility in paragraph 4 of article 20, which makes the obligations and commitments of developing countries contingent upon the effective implementation by developed country Parties of their commitments under the Convention related to financial resources and transfer of technology. This overriding priority is apparent in every aspect of the development and implementation of the Convention's principles. For example, the guidance given to the financial mechanism has consistently emphasized that in carrying out its activities it should pay heed to and support projects which undertake to address the issue of poverty. Consequently, many of the projects undertaken by the financial mechanism have poverty eradication as a key goal. Another example is the work programme on agricultural biodiversity, adopted at the most recent Conference of the Parties, which also explicitly acknowledged that poverty eradication is the first and overriding priority of developing countries.

3. Changing consumption patterns (chapter 4 of Agenda 21)

13. Global increases in per capita consumption of energy and natural resources, in combination with unsustainable systems of agricultural and industrial production, are driving habitat conversion and degradation worldwide. Patterns

of consumption and production and the failure to value the environment and its resources have been explicitly recognized within the CBD as one of the fundamental causes underlying the loss of biodiversity. An important ongoing process within the CBD to address this issue and a central aim of the Convention is to increase the understanding of the full spectrum of uses of biodiversity and the resulting values from these uses, in order to address the root causes of decline in biodiversity and develop incentives to address these causes.[3] Consequently, development of bio-remediation of waste, sources of bio-energy, and more efficient and environmentally sensitive systems of agriculture - activities all dependent upon biological diversity and promoted by the Convention - represent concrete examples of implementation of the principles embodied in chapter 4 of Agenda 21.

4. Protecting and promoting human health (chapter 6 of Agenda 21)

14. There are vital links between biodiversity, environmental and human health and the natural resource base that sustains livelihoods and provides new options for social and economic development. Disruptions in biodiversity can affect disease transmission either through their influence on vectors of disease, or more directly, through their influence on the disease-causing organisms themselves. Moreover, the primary health-care needs of many people in the developing world, particularly those in rural areas, is largely reliant upon traditional medicines, which are in turn directly dependent upon a diverse range of organisms. The Parties to the CBD have not only acknowledged this link, but have taken steps to address it as well. For example, water quality in many parts of the world is affected dramatically by unsustainable agricultural practices and a lack of absorptive capacity within the aqueous environment due to perturbations in the biological diversity of this habitat. The work programme on agricultural biodiversity established by the Conference of the Parties at its third meeting is developing methods and practices that promote and protect human health as an alternative to the use of agro-chemicals. Moreover, these efforts will be further supported by the fact that the thematic focus for the CBD until May 1998 is the biological diversity of inland waters. Parties are not only addressing present risks to human health but have started to establish a mechanism to control future risks as well. For example, they are currently negotiating a protocol to the CBD to address the risk that modified living organisms may pose to human health.

5. Integrating environment and development in decision-making (chapter 8 of Agenda 21)

15. The principle that environmental considerations should be integrated into economic and other development plans, programmes and projects, and that development needs should be taken into account in applying environmental objectives is reflected in article 6, subparagraph (b), of the CBD.[4] Many of the Parties to the CBD have already developed strategies which facilitate a cross-sectoral integration of biodiversity considerations, with 27 Parties announcing at the third meeting of the Conference of the Parties that they had completed their strategies. Mindful of the resource limitations in many

developing country Parties, the Conference of the Parties at its second meeting instructed the financial mechanism to facilitate the urgent implementation of article 6 by making financial resources available to developing countries in a flexible and expeditious manner. In response, the financial mechanism developed a fast-track procedure for what has become known as "enabling activities", under which over 40 developing countries have received financial assistance to develop a national biodiversity strategy, with another 40 expecting assistance in the near future. Several Parties have also established multi-departmental committees to ensure that biodiversity issues are considered on an ongoing basis.

B. Section II of Agenda 21: Conservation and management of resources for development

16. The most direct relationship between the principles of the CBD and Agenda 21 are found in section II of Agenda 21. This reflects the heavy reliance of the developing world's economy on biological diversity. The sustainable use of biological resources is a central objective of the CBD.

1. Protection of the atmosphere (chapter 9 of Agenda 21)

17. In desert and grassland systems, the amount of water transpired and hence the local climate depend strongly on the particular complement of species present and the role they play in the water cycle through transpiration and water retention. In marine systems, planktonic algae are a major carbon sink and emit considerable amounts of dimethylsulphide, which subsequently have a strong influence on cloud formation. In temperate forests, changes in species composition can affect atmospheric interactions and local weather through changes in evapotranspiration and albedo. Also, carbon fixation and sequestration represent part of the diverse range of important functions and services provided by forests.[5] Maintaining existing forests is widely advocated as a cost-effective hedge against climate change and can provide a joint benefit of habitat conservation. Consequently, measures taken to maintain biodiversity also play a part in addressing in a holistic manner the issues raised in chapter 9 of Agenda 21, in particular, the programme areas dealing with terrestrial and marine development and land use (programme area B.4) and transboundary atmospheric pollution (programme area D).

2. Integrated approach to the planning and management of land resources (chapter 10 of Agenda 21)

18. Land conversion is among the major factors contributing to biodiversity loss. Many of the provisions of the CBD provide legal support for measures designed to address the relation between environmentally sound physical planning and land use. Most Parties to the CBD have begun to implement these provisions and thereby to address these issues in a real and concrete manner. Article 6 of the Convention requires Parties to integrate the conservation and sustainable use of biodiversity into relevant sectoral or cross-sectoral plans, programmes and policies. Parties are also required to communicate these strategies to the

next Conference of the Parties in 1998. As previously mentioned, the financial mechanism has provided support to over 40 developing countries to develop national biodiversity strategies. Most developed country Parties have already developed and adopted such strategies. Development of these strategies has involved applying the principles outlined in chapter 10 of Agenda 21. Thus, developing these strategies has involved examining all uses of land and its natural resources and linking social and economic development with environmental protection and enhancement. Many of the national strategies adopted have involved reorganization of decision-making structures and existing policies and management procedures. Article 8 requires that Parties take an integrated approach to the protection of natural habitat, with the provisions of this article stressing the need for a systematic approach which takes into account the needs and requirements of all major groups. This renewed emphasis on an integrated approach to planning has resulted in many Parties re-examining the manner in which they maintain their natural habitats.

3. Combating deforestation (chapter 11 of Agenda 21)

19. Forests provide the most diverse sets of habitats for plants, animals and micro-organisms, holding the vast majority of the world's terrestrial species. Consequently, the maintenance of forest ecosystems is crucial to the conservation of biological diversity and degradation of forests has a dramatic impact on biodiversity. Therefore, any strategy to maintain terrestrial biodiversity must combat deforestation. The clear role and mandate of the CBD in issues of forest biological diversity has been repeatedly confirmed by the Parties. Furthermore, it is recognized within the CBD that it is vital that issues related to forests are dealt with in a comprehensive and holistic manner, including the consideration of environmental, economic and social values and issues. Consequently, the CBD has recognized that the conservation and sustainable use of forests cannot be isolated from the conservation and sustainable use of biological diversity in general, and the conservation and sustainable use of biological diversity must be an integral part of sustainable forest management practices.[6]

20. At its third meeting, the Conference of the Parties requested the Executive Secretary to develop a focused work programme for forest biological diversity. The optional elements for such a work programme should initially focus on research, cooperation and the development of technologies necessary for the conservation and sustainable use of forest biological diversity. The programme should also take into account and complement the work of relevant international forums, and facilitate the application and integration of the objectives of the CBD in the sustainable management of forests at the national, regional and global levels, in accordance with the ecosystem approach. The SBSTTA has been requested to contribute advice on the draft programme and report back to the fourth meeting of the Conference of the Parties. Parties have been encouraged to actively assist the Executive Secretary in carrying out this work.[7] The Conference of the Parties noted that the implementation of forest conservation and sustainable use policies depends, inter alia, on the level of public awareness and policies outside the forest sector, and recognized the vital role played by forest ecosystems for many indigenous and local communities.[8]

21. The programme will also complement existing national, regional or international criteria and indicator frameworks for sustainable forest management, and incorporate traditional systems of forest biological diversity conservation. This will build upon the cooperation with other relevant forums that the CBD has already undertaken. For example, the CBD has actively participated in the Ad Hoc Intergovernmental Panel on Forests (IPF) established by the Commission on Sustainable Development. At its second meeting, the Conference of the Parties issued a statement to IPF on biological diversity and forests, in which it noted that more effort on biological diversity was needed in research, training and other capacity-building activities. Important topics include development of policies, criteria and indicators, methodologies and technologies for sustainable forest management, and the impact of utilization of components of biological diversity, particularly those under threat, on ecological processes.[9] The Conference of the Parties has instructed the SBSTTA to undertake work on these topics. The secretariat of the CBD has been actively involved in the work of the Inter-Agency Task Force of IPF. The Executive Secretary provided advice and information on the relationship between indigenous and local communities and forests, as requested by the Inter-Agency Task Force of IPF through the Conference of the Parties.[10] The Executive Secretary also prepared a document on the links between forests and biological diversity at the request of the Conference of the Parties at its second meeting. The document was considered by the Conference of the Parties at its third meeting and submitted to IPF for information.[11]

4. Managing fragile ecosystems: combating desertification and drought (chapter 12 of Agenda 21) and sustainable mountain development (chapter 13 of Agenda 21)

22. At its third meeting, the Conference of the Parties reaffirmed the central importance of biological diversity to sustainable development in drylands and montane areas.[12] The Executive Secretary has been cooperating with the United Nations Convention to Combat Desertification in those Countries Experiencing Serious Drought and/or Desertification, particularly in Africa on matters relating to biological diversity and drylands, with a view to identifying common priorities. These efforts were given further impetus at the recent Conference of the Parties with the explicit instruction to develop this type of cooperation and report back to the next Conference of the Parties. Also at its third meeting, the Conference of the Parties instructed the Executive Secretary to contact those agencies and networks working on sustainable mountain development with a view to examining forms of cooperation on matters relating to biological diversity and mountains, and communicate the results to the SBSTTA at its third meeting, to be held in September 1997.[13] The financial mechanism has already provided support to several projects which are intended to implement sustainable development concepts in mountain regions.

5. Promoting sustainable agriculture and rural development (chapter 14 of Agenda 21)

23. Promoting sustainable agriculture and rural development have been acknowledged within the CBD as central to achieving the aims of the CBD. This is due to the importance of maintaining agricultural biological diversity for ensuring sustainable use of biological diversity and the dramatic impact that unsustainable agriculture practices have had on biodiversity generally. For example, deforestation of the Amazon basin, an issue which dramatically raised awareness of the loss of biodiversity, was in part due to land conversion for unsustainable cattle ranching in the region. More important, food security is being threatened by the rapid loss of agricultural biodiversity. Maintaining this biodiversity is therefore an essential prerequisite for promoting sustainable agriculture and rural development.

24. The Parties to the CBD have recognized, however, that there is a vital dependence between promoting agricultural and rural development and maintaining agricultural biological diversity. At its third meeting, the Conference of the Parties established a multi-year programme of activities to arrest the decline of agricultural biodiversity. The objectives of the work programme are, first, to promote the positive effects and mitigate the negative impacts of agricultural practices on biological diversity in agro-ecosystems and their interface with other ecosystems; second, to promote the conservation and sustainable use of genetic resources of actual or potential value for food and agriculture; and third, to promote the fair and equitable sharing of benefits arising out of the utilization of genetic resources.

25. The programme areas of the CBD's work programme have attempted to develop many of the programme areas of chapter 14 of Agenda 21. For example, the principles embodied in the programme areas on plant genetic resources (programme area G), animal genetic resources (programme area H) and integrated pest management and control in agriculture (programme area I) are incorporated and developed in the work programme adopted at the third meeting of the Conference of the Parties. Parties have been requested to identify and assess relevant ongoing activities and existing instruments at the national level and to identify issues and priorities that need to be addressed at the national level and to report back to the Conference of the Parties.[14] Several Parties have already done so. Parties have also been encouraged to use and/or study and develop methods and indicators to monitor the impacts of agricultural development projects, including the intensification and extension of production systems, on biological diversity and to promote their application.[15] Countries are also invited to share case-study experiences addressing the conservation and sustainable use of agricultural biological diversity, which, among other ways of sharing information, should be posted through the clearing-house mechanism of the CBD.

26. The Conference of the Parties, recognizing the central role that the Food and Agriculture Organization of the United Nations (FAO) has to play in this area, has sought to work closely with its programmes. For example, the Conference of the Parties delivered a statement to the Fourth International Technical Conference on the Conservation and Utilization of Plant Genetic Resources for Food and Agriculture.[16] Furthermore, the Executive Secretary has

been requested to identify and assess relevant ongoing activities and existing instruments at the international level, in close collaboration with FAO, other relevant United Nations bodies and international organizations.

27. The clearing-house mechanism shall be used to promote and facilitate the development and transfer of technology relevant to the conservation and sustainable use of agricultural biological diversity by facilitating contacts among groups needing solutions to specific problems. These groups include holders of technologies developed and maintained by all sources, technology-transfer brokers and enabling agencies which fund technology transfer. The Conference of the Parties requested FAO to consider the need to strengthen capacity-building, in particular in developing countries.[17] Parties have also been encouraged to work towards the empowerment of their indigenous and local communities and to build their capacity for in situ conservation and management of agricultural biological diversity, building on the indigenous knowledge systems. Parties should also make efforts to strengthen capacity to develop new crops and varieties that are specifically adapted to local environments.

6. Environmentally sound management of biotechnology (chapter 16 of Agenda 21)

28. Harnessing the benefits and controlling the dangers of biotechnology are a central concern of the CBD. As such the CBD and its Parties have undertaken numerous measures to implement the policies and goals of chapter 16 of Agenda 21. Two areas where there has been significant development are: controlling the use of genetic resources, and biosafety.

29. Genetic resources. Establishing enabling mechanisms for the development and application of biotechnology depends upon ensuring that the benefits of using this technology are shared in an equitable fashion. As recognized in Agenda 21, this means capitalizing on the new opportunities offered by biotechnology for global partnership, especially between those countries rich in biological resources, but lacking in the expertise and investments needed to use these resources, and developed countries. This, however, can be achieved only by ensuring that those rich in biological resources have the ability to negotiate terms of access which reflect the true value of the resource. This can occur only if those parties have the capacity to control access to the basic raw material of this industry - genetic resources. Prior to the CBD naturally occurring genetic material was considered a public good and as such ownership was not possible. The CBD for the first time legally recognized the sovereign rights of States over their genetic resources and that the authority to determine access to these resources rests with national Governments. Such access shall be subject to prior informed consent of the owner of such resources and shall be on mutually agreed terms. The CBD also provides the legal basis for the measures aimed at sharing in a fair and equitable way the results of research and development and the benefits arising from the commercial and other utilization of genetic resources with the party providing such resources.[18]

30. These provisions of the Convention have been implemented in a variety of ways by at least 13 Parties, with a further 13 announcing at the third meeting

of the Conference of the Parties that they were developing such controls. A variety of strategies have emerged in those countries which have begun the process of establishing controls over access to their genetic resources in order to implement equitable sharing of the benefits of their use. In some countries, the route to introducing access measures is to produce specific legislation on access and benefit-sharing. The measures already introduced in the Philippines and the countries members of the Andean Pact fall into this category, as do drafts under consideration in Brazil and India. Others have developed provisions within new legislation designed to implement a much broader set of objectives such as establishing a basic framework to implement the Convention or to ensure sustainable development generally. Fiji is pursuing this approach. Other Parties have simply modified existing legislation, such as conservation, wildlife or forestry laws, to incorporate access provisions. Western Australia has already introduced amendments to its Conservation and Land Management Act. A fourth category of measures are those intended primarily for other purposes, but touching on access and benefit-sharing. An example is the Government of Indonesia's Regulation on Plant Seed Management, the objective of which is to ensure the quality of seeds, but whose provisions on plant seed management contain clauses concerning the introduction and supply of seeds and propagating material to and from the country and within it.

31. Biosafety. Despite the considerable benefits which biotechnology may bring, the technology does have the potential to cause harm to the environment and human health. Mindful of these dangers the CBD has established an Ad Hoc Working Group of Experts on Biosafety to develop an international legally binding protocol, specifically focusing on the transboundary movement of any living modified organism resulting from biotechnology that may have an adverse impact on the conservation and sustainable use of biodiversity. The Group first met in July 1996, will meet twice in 1997 and a sufficient number of times in 1998 to complete its work that year.[19] Parties were requested to submit their views on the contents of the future protocol by the end of 1996. The document compiling the views submitted should be finalized and distributed to Governments by early March 1997. The secretariat is also requested to compile a background document on existing international agreements pertaining to the matter and a bibliography of relevant literature regarding both positive and negative potential socio-economic effects of biotechnology. The compilation of binding international agreements of the terms proposed for definition in the protocol has already been prepared. The financial mechanism has been requested to support capacity-building in biosafety, including for the implementation by developing countries of the United Nations Environment Programme (UNEP) International Technical Guidelines on Safety in Biotechnology.[20]

7. Protection of the oceans, all kinds of seas, including enclosed and semi-enclosed seas, and coastal areas and the protection, rational use and development of their living resources (chapter 17 of Agenda 21)

32. Chapter 17 of Agenda 21 notes that international law sets forth rights and obligations of States and provides the international basis upon which to pursue the protection and sustainable development of the marine and coastal environment and its resources. Even though the central instrument for developing norms and

rules to pursue these goals is the United Nations Convention on Law of the Sea (UNCLOS), the provisions of the CBD supplement and support UNCLOS. In particular, Parties have through the CBD been actively pursuing a strategy of establishing the legal basis to ensure the integrated management and sustainable development of coastal areas, including exclusive economic zones (programme area A) and sustainable use and conservation of marine living resources under national jurisdiction (programme area D).

33. To this end the second meeting of the Conference of the Parties elaborated a programme of work, known as the Jakarta Mandate, which proposes a framework for global action to maintain marine and coastal biodiversity. The Jakarta Mandate identified five thematic programmes which will be the focus of further attention in the CBD process. They are: integrated marine and coastal area management; marine and coastal protected areas; sustainable use of coastal and marine living resources; and alien species. The Mandate also established an inter-sessional procedure to further develop its principles. The first meeting of experts is planned to take place in Indonesia in March 1997. The Conference of the Parties recognized that implementation of this would depend on close cooperation with numerous organizations, including UNCLOS. Consequently, the secretariat has also investigated means of cooperation with other international organizations, in particular, the Intergovernmental Oceanographic Commission, the World Bank, FAO and the financial mechanism.

C. Section III of Agenda 21: Strengthening the role of major groups

34. The United Nations Conference on Environment and Development was among the first of the series of international conferences on development to recognize the importance of the active participation of the major groups. During the past four years, over 250 non-governmental organizations have participated in the annual sessions of the Commission on Sustainable Development. Following the momentum set at the United Nations Conference on Environment and Development, but going even further, the CBD as a process is open to "participants" and is not confined to Governments.[21] The Convention's rules of procedure define participants in a broad manner which essentially encompasses all of the major groups identified in section III of Agenda 21, so long as they can demonstrate that they are qualified in fields relating to the conservation and sustainable use of biological diversity. Consequently, many of the organizations mentioned in section III of Agenda 21 are able to participate in the Convention's processes as well. Indeed, many have already looked to the CBD as a crucial legal instrument that will enable them to engage in direct discussions with Governments and ensure that Parties respect their commitments made at the United Nations Conference on Environment and Development.

1. Global action for women towards sustainable and equitable development (chapter 24 of Agenda 21)

35. Women play a major part in the protection of biological diversity and have recognized the need not only to protect biodiversity but also to restore it. The CBD acknowledges the critical role of women as resource managers, community

activists, consumers and environmental advocates.[22] In this respect the financial mechanism has worked to ensure that their interests are represented in the development of national strategies which it has supported. The programme of work for agricultural biodiversity also acknowledges the central role that women have to play in promoting sustainable agricultural practices and maintaining agricultural biodiversity.

2. Recognizing and strengthening the role of indigenous people and their communities (chapter 26) and strengthening the role of farmers (chapter 32)

36. Indigenous and local communities have been developing, conserving and using the biological resources on their lands and territories in a sustainable manner for millennia and consequently have a vital role to play in achieving the objectives of the CBD. The CBD recognizes the importance of indigenous and local communities to the conservation and sustainable use of biological diversity in several of its provisions, which stress the right of indigenous and local communities to share in the benefits derived from ideas and innovations they have developed that prove useful to others, and calls upon Parties to respect, protect and encourage customary use of biological resources. The CBD is the foremost legally binding international instrument embodying these rights, and indigenous and local communities have actively participated in the CBD process.

37. Access to and participation in the CBD process of such groups has been actively promoted by the Parties and the organs of the CBD. The Executive Secretary has advised and provided information on the relationship between indigenous and local communities and forests, as requested by the Inter-Agency Task Force of the Ad Hoc Intergovernmental Panel on Forests through the Conference of the Parties.[10] At its the third meeting, the Conference of the Parties stressed the need for Parties to implement the relevant provisions of the CBD and initiated an intergovernmental process to further develop these provisions. As part of this inter-sessional process, the Executive Secretary has been requested to arrange a five-day meeting of the Parties and other participants before the fourth meeting of the Conference of the Parties.

38. Parties have been encouraged to conduct case studies of the relationships between intellectual property rights and the knowledge, practices and innovations of indigenous and local communities.[23] Parties have also been invited to share experiences on incentive measures and make relevant case studies available to the secretariat. Parties are also encouraged to promote the mobilization of farming communities, including indigenous and local communities, for the development, maintenance and use of their knowledge and practices in the conservation and use of biological diversity in the agricultural sector.[24] Parties are encouraged to develop national strategies, programmes and plans which, inter alia, empower their indigenous and local communities and build their capacity for in situ conservation and sustainable use and management of agricultural biological diversity, building on the indigenous knowledge systems.[25]

39. The need for Parties to initiate projects on capacity-building with indigenous and local communities to address concerns in the conservation and sustainable use of biological diversity and of equitable sharing of the benefits arising from the utilization of their knowledge, innovations and practices has been emphasized. The financial mechanism has been requested to examine supporting capacity-building projects for indigenous and local communities embodying traditional lifestyles relevant for the conservation and sustainable use of biological diversity with their prior informed consent and their participation.[26]

3. Strengthening the role of business and industry (chapter 30 of Agenda 21)

40. As in the case of Agenda 21, participation of the private sector is critical to the implementation of the CBD. The private sector has an especially important role to play in the design and implementation of incentive measures. To this end, Parties have been encouraged to develop training and capacity-building programmes to implement incentive measures and promote private-sector initiatives.[27] The Executive Secretary has been requested to encourage the involvement of the private sector in supporting the objectives of the CBD.[28] Involving the private sector is also one of the key characteristics of the clearing-house mechanism.[29] Facilitating private foreign investment to support projects which will promote conservation, sustainable use and equitable sharing of the benefits of biodiversity is a major focus of the activities of the CBD for this year.

D. Section IV of Agenda 21: Means of implementation

41. As a product of a contemporaneous negotiation process the CBD not surprisingly uses similar means of implementing its commitments as those identified in section IV of Agenda 21. For example, the provisions of the CBD with regard to the financial resources and mechanism used to deliver these commitments largely replicate the policies and activities identified in chapter 33 of Agenda 21. Consequently, the experience of the effectiveness within the CBD provides important lessons for the review of these chapters. Similarly, any review of these mechanisms will provide valuable insights and lessons for the CBD itself, particularly in the light of the overall review of the operations of the CBD which is to be undertaken at the fourth meeting of the Conference of the Parties, in May 1998.

1. Financial resources and mechanisms (chapter 33 of Agenda 21)

42. The CBD recognizes the need for additional financial resources if developing country Parties are to implement their commitments under the Convention. Accordingly, the CBD contains commitments by the developed country Parties to provide new and additional financial resources to enable developing country Parties to meet the agreed full incremental costs to them of implementing measures which fulfil the obligations of the Convention. To facilitate the provision of these financial resources the CBD has a financial

mechanism which is operated on an interim basis by the Global Environment Facility. At its first meeting, the Conference of the Parties adopted comprehensive guidance for the financial mechanism. This guidance was refined at each of the subsequent meetings of the Conference of the Parties. As of 15 January 1997, the financial mechanism has approved 74 projects with a total commitment of over $418 million.

43. Developed country Parties are also entitled to fulfil their commitment to providing new and additional financial resources through their own bilateral aid programmes. Further financial support for developing country Parties is also made available through the aid programmes of multilateral organizations. Monitoring these commitments has proved problematic, due to lack of standardization in the reporting procedures of funding institutions. At its second and third meetings, the Conference of the Parties instructed the secretariat to consider how these commitments might be monitored, and urged funding institutions to standardize information on their financial support for the CBD and to provide such information to the secretariat. As a result the secretariat has begun discussions with the World Bank and the Development Assistance Committee of the Organisation for Economic Cooperation and Development (OECD), with a view to developing a system of reporting which will enable the monitoring of such commitments. The secretariat of the CBD has also begun to explore with the Department for Policy Coordination and Sustainable Development of the United Nations Secretariat how it might usefully contribute such information to the Department's work regarding financial commitments for Agenda 21. The Conference of the Parties also urged funding institutions to review their activities in order to make them more supportive of the CBD, specifically requesting them to consider how they might incorporate principles of best practice into their programmes.

44. The Conference of the Parties has also instructed the secretariat to explore the possibilities of identifying additional financial resources to support the objectives of the Convention. An area which the secretariat has actively pursued in this respect is that of developing the level of private investment in activities which support the aims of the CBD. In support of this work, the Conference of the Parties at its third meeting invited Parties to share experiences on measures which encourage private-sector investment and requested the Secretariat to facilitate this exchange through the clearing-house mechanism and regional workshops.

2. Transfer of environmentally sound technology, cooperation and capacity-building (chapter 34 of Agenda 21)

45. The activities proposed in chapter 34 of Agenda 21, which aim at improving conditions and processes regarding information on, access to and transfer of technology, as well as capacity-building and cooperative arrangements and partnerships in the field of technology, have been central to the efforts of the CBD to implement its provisions with regard to the sustainable use of biodiversity and the equitable sharing of the benefits of that use. The measures outlined in the previous discussion on environmentally sound management of biotechnology illustrate how the CBD has managed to move beyond the promulgation of policy and translate this means of implementation into reality.

Such measures are given further weight in the CBD, with article 20, paragraph 4, making the obligations of developing country Parties contingent upon the developed country Parties fulfilling their obligations to transfer technology and financial resources.

46. The experience of this technique within the CBD has been mixed. Properly managed, the technique has encouraged the involvement of the private sector. One particularly well-known example of private sector involvement is the agreement between the National Biodiversity Institute (INBio) of Costa Rica, a quasi-governmental non-governmental organization and Merck & Co. Ltd., the largest pharmaceutical company in the world, where Merck agreed not only to advance over $1 million to INBio for access to samples of Costa Rican flora but also to support training initiatives for local parataxonomists. This agreement is, however, only one of many which demonstrate the enthusiasm in the private sector for undertaking such activities. Measures taken by the CBD or in the name of the Convention have not always been demonstrably successful in achieving the aims of chapter 34 of Agenda 21. For example, the clearing-house mechanism which has been established under the CBD, despite its rapid development and popularity, has not so far had any demonstrable impact on the transfer of technology. It has nevertheless rapidly developed into a sophisticated mechanism for the sharing of experiences and information and has begun to develop capacity in developing countries and encourage cooperation. Consequently, it can reasonably be expected to facilitate the transfer of technology in the future. Its ability to achieve this should be significantly enhanced by a series of regional workshops which are to be held by the secretariat during the course of this year. Consideration of intellectual property rights within the CBD forums has also not provided unequivocal answers to their impact on technology transfer.

3. Science for sustainable development (chapter 35 of Agenda 21)

47. It is axiomatic that implementing the aims of the CBD requires a quantum leap in the available scientific understanding of biodiversity. Indeed, even basic information such as the number of species which currently exist or are threatened is not adequately known. Consequently, significant importance is placed on the promotion of the relevant sciences within the CBD. The importance placed on the issue is indicated by the fact that the purpose of the first and as yet only, subsidiary body of the Conference of the Parties is to provide scientific advice for the Conference of the Parties. This subsidiary body, SBSTTA, has met twice and provided a range of assessments (relating to agricultural biodiversity) and advice on a number of matters. The relevance of the SBSTTA's advice is demonstrated by the heavy reliance of the Conference of the Parties on this advice. The CBD process has also been active in developing scientific capacity in developing countries. For example, the most recent Conference of the Parties requested the financial mechanism to support a Global Taxonomic Initiative which is designed not only to build our knowledge about the nature and number of species throughout the world, but also to develop taxonomic capacity in the developing world and encourage its development in the developed world. Another activity designed to promote scientific capacity in developing countries is the clearing-house mechanism. Although this mechanism has not yet had any demonstrable impact on scientific understanding, it is expected when

fully operational to make a significant contribution to understanding biodiversity at regional and global levels.

4. National mechanisms and international cooperation for capacity-building in developing countries (chapter 37 of Agenda 21)

48. As implementation of the principles of the CBD is largely a national prerogative, capacity-building is crucial to implementing and developing the CBD. Capacity-building is emphasized in every aspect of the CBD's principles and their development. For example, at its first meeting, the Conference of the Parties identified capacity-building as one of the 13 programme priorities, including human resources development and institutional development and/or strengthening, for the financial mechanism to support.[30] At its second meeting, the Conference of the Parties further elaborated the guidance to the financial mechanism on capacity-building in developing countries. The first Conference of the Parties also suggested that the medium-term work programme for 1995-1997 should reflect the importance of capacity-building as one of the elements of successful Convention implementation.[31] The suggestion was endorsed at the second and third meetings of the Conference of the Parties.[32] The secretariat has also started working with the International Union for Conservation of Nature and Natural Resources (IUCN), the World Bank, the World Resources Institute, the United Nations Development Programme (UNDP) and the United Nations Environment Programme (UNEP) to launch a series of efforts to support the work of the CBD on capacity-building.

49. Despite this widespread support within the CBD process for capacity-building, a lack of capacity in developing country Parties remains perhaps the single biggest constraint on development of the principles of the CBD and their implementation. Consequently, much remains to be done in this respect and more support from the international community is vital if this constraint is to be properly overcome.

5. Information for decision-making (chapter 40 of Agenda 21)

50. Another consequence of the CBD being a country-driven process is the premium this places on the generation and availability of reliable and accurate information to guide decision makers. The important role for information identified in chapter 40 of Agenda 21 is further emphasized by the fact that the only compliance technique provided for in the CBD is the Parties' duty to provide national reports. Sharing of experiences has also become a major element of all the activities and developments which have taken place within the CBD so far. The production of a comprehensive overview of the information contained in the national reports of Parties, the Global Biodiversity Outlook, is expected to be the single most important pre-session document for decision makers at the next meeting of the Conference of the Parties.

51. The Parties have also recognized that dissemination of this information will also be crucial to its effective use. Consequently, considerable resources and attention have been devoted to the establishment of the clearing-house

mechanism provided for in article 18 of the CBD. The mechanism is envisaged to play a significant role in technical and scientific cooperation and capacity-building, particularly in providing information for decision-making. At its second meeting, the Conference of the Parties reaffirmed the importance of the clearing-house mechanism to promote and facilitate technical and scientific cooperation and to support implementation of the CBD at the national level. The need for its accessibility to all countries was also recognized. The Conference of the Parties noted that enhanced cooperation with other information systems and activities would contribute to the development of the clearing-house mechanism. The Conference of the Parties also requested the financial mechanism to explore the modalities of providing support to developing country Parties for capacity-building in relation to the operation of the clearing-house mechanism. The rapid development and enthusiasm for the clearing-house mechanism illustrates the widely recognized need for reliable and accurate information to ensure effective implementation of the CBD. The exercise has also demonstrated the complexity of establishing an effective and accessible global clearing-house mechanism. It has also demonstrated the importance of establishing the system from the ground up and developing it in an organic and flexible manner, as opposed to a highly engineered and structured system.

III. INTERNATIONAL INSTITUTIONAL ARRANGEMENTS

52. The CBD is a legal instrument which is entirely dependent upon Parties and other organizations to develop and implement its provisions; the need to develop cooperative relationships with other bodies and hence mechanisms for coordinating these relationships is therefore fundamental to the implementation of the CBD. Each Conference of the Parties has reaffirmed the importance it attaches to cooperation and coordination between the CBD and other conventions, institutions and processes of relevance. Not only is the matter a standing item on the agenda of the Conference of the Parties, but one of the key organs of the CBD, the financial mechanism, is operated by another institution, the Global Environment Facility. The extent to which the CBD as a process relies upon cooperative arrangements with other institutions and processes is evident from the repeated references in the preceding paragraphs of the present report to other organizations. Reliance upon this approach to develop and implement the CBD has been a significant part of the rapid development of the Convention and the success enjoyed so far in the implementation of its principles.

53. The Conference of the Parties has repeatedly emphasized its commitment to continuing to explore effective mechanisms for cooperation with other conventions, institutions and processes of relevance, and in particular with the Commission on Sustainable Development, in order to promote the efficient use of resources in implementing its objectives and objectives contained in Agenda 21. In response, the secretariat of the CBD has actively participated in the Inter-Agency Task Force of the Ad Hoc Intergovernmental Panel on Forests. Furthermore, the secretariat has also contributed to the work of the Inter-Agency Committee on Sustainable Development (IACSD) of the United Nations, and representatives of the secretariat of the CBD attended its eighth meeting, in July 1996. For example, the secretariat has made written contributions to the review of Agenda 21 for the special session of the General Assembly and has

been involved with the initiative of the IACSD to standardize requests for national reports. Other areas of cooperation under investigation between the Department for Policy Coordination and Sustainable Development of the United Nations Secretariat and the CBD include the development of indicators for measuring the status of relevant environmental factors and the effectiveness of measures taken by both processes within the United Nations system-wide effort towards the development of sustainable development indicators.

54. Cooperation between the CBD and the United Nations has not been restricted to the administrative level, but has also included the legislative or policy-making bodies of both processes. For instance, at all its meetings, the Conference of the Parties has adopted statements for particular initiatives resulting from Agenda 21. By decision I/8, the Conference of the Parties transmitted a statement to the Commission on Sustainable Development at its third session. By decision II/9, the Conference of the Parties transmitted a statement to the Ad Hoc Intergovernmental Panel on Forests at its second session and by decision II/16, adopted a statement for the International Technical Conference on the Conservation and Utilization of Plant Genetic Resources for Food and Agriculture. By decision III/19, the Conference of the Parties adopted a statement to be submitted to the special session of the General Assembly in response to General Assembly resolution 50/113.

55. Cooperation has also been pursued with many other organizations, with agreements of cooperation being concluded between the secretariat of the CBD and the secretariats of the Ramsar Convention on Wetlands, the Convention on International Trade in Endangered Species of Wild Fauna and Flora, and the Convention on the Conservation of Migratory Species of Wild Animals. Discussions are also under way with the Intergovernmental Oceanographic Commission, the World Bank, FAO and the World Heritage Convention.

IV. CONCLUSION

56. Both the Commission on Sustainable Development and the General Assembly have emphasized that in the review of Agenda 21 at the special session of the Assembly, there should be no attempt to renegotiate Agenda 21; rather, discussions should focus on the further implementation of Agenda 21 (General Assembly resolution 51/181). At its fourth session, the Commission on Sustainable Development highlighted a number of objectives for the special session to which the CBD can make a direct contribution. They were that the special session should promote the Rio commitments through concrete proposals for action and revitalize and energize commitments to the concept of sustainable development. It is evident from the present report that the CBD has begun to make a contribution to this by providing a legal basis for many policies of Agenda 21, which hitherto had been expressed only in an exhortatory non-binding fashion.

57. The brief summary of the activities carried out under the CBD has clearly demonstrated that, like Agenda 21, the central purpose of the CBD is to promote and implement the concept of sustainable development, albeit that in the case of the CBD the goal is restricted to harnessing development to maintaining biodiversity. As is evident in the report the complementarity in purposes mean

that both instruments have mutually reinforcing objectives. Thus, implementation of the principles of the CBD also means implementation of the principles of Agenda 21. It is also apparent from the report that in capitalizing on the administrative synergies and efficiencies which arise from this mutuality, the Department for Policy Coordination and Sustainable Development of the United Nations Secretariat and the secretariat of the CBD have been working increasingly closely. This mutuality also means that further collaboration between the Commission on Sustainable Development and the CBD is essential for the implementation of sustainable development.

Notes

[1] E/1995/32, chap. I, para. 226.

[2] Decision III/11. For the decisions adopted by the Conference of the Parties at its third meeting, see UNEP/CBD/COP/3/38, annex II.

[3] Decisions III/2 and III/18.

[4] "Integrate, as far as possible and as appropriate, the conservation and sustainable use of biological diversity into relevant sectoral or cross-sectoral plans, programmes and policies."

[5] As recognized in the "Statement on biological diversity and forests from the Convention on Biological Diversity to the Intergovernmental Panel on Forests" (decision II/9, annex). For the decisions adopted by the Conference of the Parties at its second meeting, see A/51/12, annex.

[6] Decision III/12.

[7] Decision III/12.

[8] Decision III/12.

[9] Decision II/9.

[10] Decision II/9, para. 2 (a); the advice of the Executive Secretary is contained in document UNEP/CBD/SBSTTA/2/Inf.3.

[11] UNEP/CBD/COP/3/16.

[12] Preamble to decision III/13.

[13] Decision III/13.

[14] Decision III/11, paras. 4 and 5.

[15] Decision III/11, para. 9.

[16] Decisions II/15 and II/16.

[17] Decision II/16.

[18] Article 15 of the CBD.

[19] Decision III/20.

[20] Decisions III/5 and III/20, endorsing recommendation II/5 of the Subsidiary Body on Scientific, Technical and Technological Advice and, in particular, the importance of funding for capacity-building in biosafety.

[21] Article 23, para. 5.

[22] The preamble to the CBD recognizes "the vital role that women play in the conservation and sustainable use of biological diversity" and affirms "the need for the full participation of women at all levels of policy-making and implementation for biological diversity conservation".

[23] Decision III/17.

[24] Decision III/11, para. 17 (c).

[25] Decision III/11, para. 15 (f).

[26] Decisions III/15 and III/14.

[27] Decision III/18.

[28] Decision III/6.

[29] Decision III/4.

[30] Decision I/2. For the decisions adopted by the Conference of the Parties at its first meeting, see UNEP/CBD/COP/1/17.

[31] Decision I/9.

[32] Decisions II/18, annex, and III/22.